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BOOK REVIEWS.

STUDIES IN JURIDICAL LAW. By Horace E. Smith. Chicago: T. H. Flood & Co. 1902. pp. xxvi, 359.

It would be a pleasure to give unqualified commendation to these essays of the late Dean of the Albany Law School. The ripened product of a cultivated mind and a sage understanding, betraying wide reading and much reflection on the problems of law and government, the book is, nevertheless, a disappointment. The truth is that with all of its merits, its sanity of view and clearness of statement, it belongs back in the Blackstonian period of our legal thought, back of Thayer and Pollock and Maitland, back of Holmes and Holland, back even of Maine and Austin. It betrays no knowledge of the literature of general jurisprudence, English or foreign, and it is free from any trace of influence from the speculations of the great German jurists of the last century.

These might not be fatal defects if the book were an original contribution to legal science, the result of independent thought and based on a new view of legal relations. But this it does not claim to be. It is avowedly orthodox and, from its definition of "law" in the first chapter to its description of feudalism in the sixteenth, follows steadfastly *in antiquas vias*. Its authorities are Blackstone, Kent and Bouvier for definition and classification, and Reeve, Palgrave, Spelman and Guizot for history. Of course, this does not exhaust the list of authorities consulted and cited, but it is fairly representative of the tone and attitude of the work.

Though for the most part written in direct and straightforward manner, there are some inexplicable infelicities in arrangement and presentation of the subjects treated, as in the curious repetition of the argument for the support of government by its citizens in sections 33 and 42, and in the discussion of modern trusts and combinations in the chapter on the Mosaic Code (Sec. 104).

And yet, with all this, the book is not one to be contemned. It is one of a class of works, too rare in our country, in which the fundamental principles of law and government are subjected to analysis. As an essay in legal classification, it leaves much to be desired, but it is through such attempts that we shall one day find ourselves possessed of a legal system. The *naïveté* of its analysis of rights and wrongs, as compared with that of Langdell, or of Holland and his school, is obvious enough, but every attempt at such an analysis is a clue out of the labyrinth of precedents.

The two concluding chapters on the Plea of Insanity and on Literary Property and International Copyright are much the best part of the book, but bear no relation to its general purpose.

CASES ON CRIMINAL LAW. Part I. By William E. Mikell. Philadelphia: International Printing Company, 1902. pp. 1-504.

This collection of cases is intended for use as a text-book in teaching the principles of the substantive law of crimes, and the author has based his method of selecting and arranging cases upon